

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT APPLICATION NO. 121 of 2005
IN 786 OF 2005
ORIGINAL APPLICATION NO. 505 OF 2009.

ALLAHABAD THIS THE 15TH DAY OF May 2009

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MRS MANJULIKA GAUTAM, MEMBER-A**

Ajit Kumar Mishra, S/o late R.D. Mishra R/o GI/99, ADA
Colony, Kalandipuram, Allahabad.

.....Applicant

By Advocate: Shri K.P Singh

Versus

1. Shri A. Prasad, Secretary, Ministry of Defence, New Delhi.
2. Shri A.F. Bahiya, Quarter Master General, Army Head Quarter, Sena Bhawan, New Delhi.
3. Shri P.K. Tikku, Dy. Director General of Military Farm, Army Head Quarter, West Block III, R.K. Puram, New Delhi.
4. Shri J.L. Yadav, Director of Military Farm, Head Quarter Central Command, Lucknow.
5. Shri Sudhir Kashyap, Officer In-charge, Military Farms Records, New Delhi.
6. Shri Mahendra Singh, Officer In-charge, Military Farm, Allahabad.
7. Shri N.K. Kaura, Officer In-charge, Military Farm, Lucknow.

.....Respondents

By Advocate: S/Shri Firoz Ahmad/S. Singh/S.C. Mishra

O R D E R

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

Heard Shri K.P. Singh, Advocate appearing for the applicant and Shri Firoz Ahmad, Advocate appearing for the respondents.

2. It may be stated that the applicant filed O.A. No. 786/05 alongwith any application for interim order. Tribunal was pleased to grant interim order vide order dated 8/8/2005 to the effect that “.....*Respondents are directed to pay the salary along with his arrears without any further delay.....*”.

3. This O.A. was disposed of by the Tribunal vide order dated 26.09.2005 on the ground of jurisdiction. Relevant para 7 of the said order reads:-

“.....*We have no option save to dismiss the O.A on the ground of lack of territorial jurisdiction. Consequently, the interim order passed vide order dated 8th August 2005 gets automatically vacated. The applicant has, however, retained his right to pursue the matter in the forum having territorial jurisdiction.....*”

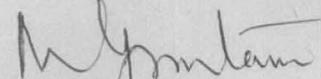
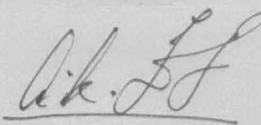
4. According to the applicant, the Respondent Authorities did not comply with interim order. Feeling aggrieved, the applicant had filed C.C.P NO. 121/05.

See

5. Learned counsel for the applicant informs that in view of Tribunal's order (referred to above), the applicant filed petition before Central Administrative Tribunal, Lucknow Bench, numbered as O.A NO. 575/05, was later which transferred under order of Principal Bench to the Tribunal Allahabad Bench renumbered as OA NO. 849/07. It is also admitted before us that Lucknow Bench had granted an interim order.

6. It is, therefore evident that if even there was 'infraction', the same cannot be said to be willful.

7. Accordingly, this Contempt Petition NO. 121/05 is dismissed. Notices issued are discharged.


Member (A)
Member (J)

Manish/-